

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

JOSEPH W. HUNTER, TDCJ #1981619,)
(prior Dallas County # 13034945),)
Plaintiff,)
vs.) No. 3:17-CV-1093-S-BH
FELICIA PITRE, District Clerk of)
Courts, et al.,) Referred to U.S. Magistrate Judge¹
Defendants.)

**RECOMMENDATION REGARDING REQUEST TO PROCEED
IN FORMA PAUPERIS ON APPEAL**

Before the Court is the plaintiff's *Application to Proceed In Forma Pauperis* on appeal, received August 11, 2020 (doc. 39). Based on the filing of the application, the prior *Notice of Appeal to Proceed IFP*, received on July 23, 2020 (doc. 37), is **DEEMED MOOT**.

- (X) The request for leave to proceed *in forma pauperis* on appeal should be **DENIED** because the Court should certify under Fed. R. App. P. 24(a)(3) and 28 U.S.C. § 1915(a)(3) that the appeal is not taken in good faith.
- (X) Although this appeal should be certified as not taken in good faith under 28 U.S.C. § 1915(a)(3) and Fed. R. App. P. 24(a)(3), the plaintiff/appellant may challenge this finding under *Baugh v. Taylor*, 117 F. 3d 197 (5th Cir. 1997), by filing a separate motion to proceed IFP on appeal with the Clerk of Court, U.S. Court of Appeals for the Fifth Circuit, within 30 days of the district court's order. The cost to file a motion to proceed on appeal with the Fifth Circuit is calculated below, and if the plaintiff/appellant moves to proceed on appeal IFP, the prison authorities should be directed to collect the fees as calculated in this order:
 - (X) The plaintiff/appellant should be assessed an initial partial fee of **\$0.00**.
 - (X) Thereafter, the prisoner should pay **\$505.00**, the balance of the filing fees, in periodic installments. The appellant is required to make payments of 20% of the preceding month's income credited to the appellant's prison account until appellant has paid the total filing fees of \$505.00.

¹ By 28 U.S.C. § 636(b) and *Amended Miscellaneous Order No. 6* (adopted by *Special Order No. 2-59* on May 5, 2005), requests to proceed *in forma pauperis* are automatically referred.

SIGNED this 13th day of August, 2020.



IRMA CARRILLO RAMIREZ
UNITED STATES MAGISTRATE JUDGE